

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 38

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SHUICHI TAKAHASHI, HIROSHI KUWAHARA,  
HITOSHI YOSHINO and KEIJI OSHIMA

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Appeal No. 96-2044  
Application 07/530,030<sup>1</sup>

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ON BRIEF

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Before URYNOWICZ, KRASS and BARRETT, Administrative Patent Judges.  
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 20, all of the claims pending in the application.

The invention is directed to a graph displaying method and apparatus for overcoming the

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<sup>1</sup> Application for patent filed May 29, 1990.

problems associated with the “winding-up” process wherein a graph display which has reached the end of a display screen is caused to shift leftwardly (jump-back) along a time axis. In order to prevent the quick jump-back operation which obstructs an operator’s observation of the graph, the instant invention allows the graph to be moved back toward the center of the screen at a speed and a manner that can be followed by an operator using successive displays of transient graphs during the jump-back operation when the end of the graph reaches the end of the graph display area.

Representative independent claim 1 is reproduced as follows:

1. A graph displaying method for sequentially displaying data representative of quantity varying with time on a display screen, the method comprising the steps of:

inputting data representative of levels of quantity varying with time as a succession of graph points;

sequentially displaying said succession of graph points on a display screen from one end of the display screen toward the other end of the display screen as a graph;

automatically moving the graph to a predetermined position toward the one end of the display screen at a speed which can be followed by the operator's eye, by sequentially displaying transient graphs between the other end of the display screen and the predetermined position, when the succession of graph points reaches the end of a graph display area on the display screen; and

displaying a additional succession of graph points, one graph point at a tim [sic] at a leading end of the graph.

The examiner relies on the following references:

Mahler	4,233,631	Nov. 11, 1980
Schlater	4,829,293	May 9, 1989

Additionally, the examiner relies on appellants' admitted prior art [APA], at pages 1-3 of the instant specification.

Claims 1 through 20 stand rejected under 35 U.S.C. 103. As evidence of obviousness, the examiner cites APA in view of Mahler with regard to claims 1 through 10 and 13 through 17 and the examiner cites Schlater in view of Mahler with regard to claims 11, 12 and 18 through 20.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

### OPINION

We reverse.

It is our view that the examiner has failed to establish the requisite prima facie case of obviousness with regard to the claimed subject matter.

With regard to claims 1 through 10 and 13 through 17, the examiner relies primarily on APA. The examiner states [answer - page 4] that APA "does not disclose moving the graph to the predetermined position toward the one end of the display screen by sequentially displaying transient graphs." In other words, the examiner is simply saying that APA does not disclose appellants' improvement over APA. In order to provide for the deficiency of APA, the examiner applies Mahler for a teaching of displaying a trail of graphs and contends that it would have been obvious to combine

the teachings of the references “because the trail allows the user to keep track of the graph movement.”

We agree with appellants that the examiner’s application of Mahler is misplaced. Mahler is directed to a “special effects” system whereby television displays are given the appearance of movement by causing a limited number of decaying stroboscopic images of successive positions of a moving object to appear behind the image representing the latest position of the moving object.

Notwithstanding the lack of any evidence as to why the artisan would have looked to Mahler for any suggestion for solving the “jump-back” problem of graph images in APA, Mahler fails to teach or suggest that the decaying stroboscopic images of successive positions of a moving object are displayed *in response to the successive points of a graph reaching the end of the display during a winding-up process to move the end of the graph to a preset reference position*. Additionally, as pointed out by appellants [reply brief - page 6], the transient graphs of the instant claimed invention are displayed in a *reverse* direction during the winding-up process only when the forward movement of the endpoint of the graph reaches the end of the graph display area while Mahler’s decaying images are always displayed in the forward direction.

Further, the examiner’s reasoning for combining the teachings of APA and Mahler, i.e., to allow the user to keep track of the graph movement, appears to be based on appellants’ own teachings rather than any suggestion in the prior art. Hindsight, gleaned from appellants’ own disclosure, is not a valid

basis for combining references within the meaning of 35 U.S.C. 103.

With regard to the rejection of claims 11, 12 and 18 through 20, the examiner relies on Schlater as the primary reference, contending that Schlater discloses the claimed subject matter but for the displaying of a plurality of transient graphs sequentially when the current range is changed to the new range. Once again, the examiner relies on Mahler to fill in the gaps of the primary reference.

For the reasons supra, we do not view Mahler as supplying the transient graphs required by the instant claims. But, in any event, Schlater appears to be directed to controlling persistence of an image of a graph rather than to the “jump-back” problem which appellants’ claimed invention seeks to solve. Accordingly, it is not apparent to us why the skilled artisan would have chosen Schlater and Mahler, in any combination, in order to solve the “jump-back” problem of the prior art addressed by the instant claims.

The examiner has not presented any cogent rationale convincing us of the combinability of any combination of APA, Schlater and/or Mahler in such a manner as to make obvious, within the meaning of 35 U.S.C. 103, the instant claimed subject matter.

The examiner’s decision is reversed.

REVERSED

STANLEY M. URYNOWICZ, Jr. )

Appeal No. 96-2044  
Application 07/530,030

Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
ERROL A. KRASS	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
LEE E. BARRETT	)	
Administrative Patent Judge	)	

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